

## Message Text

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E.O. 11652: N/A

TAGS:AORG, UNESCO

SUBJECT:UNESCO DRAFT DECLARATION ON RACE AND RACIAL  
PREJUDICE

REF: PARIS 1466

1. HERewith IS DEPT'S GUIDANCE TO PERM DEL FOR INFORMATION  
GROUP (IG) MEETING FEBRUARY 2 TO COORDINATE IG POSITION ON  
SUBJECT DRAFT.

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2. RE PARA 3 OF REFTTEL: AS DEL AWARE, DEPT. HAS LONG  
SHARED IG CONCERN THAT PREPARATION OF RACE DECLARATION BY  
UNESCO MIGHT DISTRACT MEMBER STATES FROM PRIORITY TASK OF  
IMPLEMENTING EXISTING INSTRUMENTS. ON BALANCE, HOWEVER,  
AND IN VIEW WIDESPREAD SUPPORT FOR DECLARATION, ESPECIALLY  
AMONG AFRICAN MEMBERS, WE BELIEVE IG SHOULD MAKE STRONG,  
UNIFIED EFFORT TO ENSURE THAT UNESCO DRAFTS AN EFFECTIVE  
INSTRUMENT WHICH ALL IG MEMBERS COULD SUPPORT. FYI: DEPT.  
HAS NOT YET REACHED FINAL DECISION ON U. S. PARTICIPATION  
IN MARCH 13-20 MEETING AND WOULD PREFER THAT THIS ISSUE NOT

BE RAISED WITH IG MEMBERS. END FYI.

3. REGARDING POINT MADE BY AMB. PINTASILGO (PARA 3 OF REF-TEL), WE ARE OF OPINION THAT PRESENT SECRETARIAT/WISEMAN DRAFT IS LIKELY TO BE MORE ACCEPTABLE TO IG MEMBERS THAN IF IT CONFORMED MORE CLOSELY TO 19TH GC GUIDANCE AND THERE-

FORE HOPE THAT THIS ISSUE WILL NOT BE RAISED AGAIN OR, IF IT IS, WILL NOT BE BELABORED.

4. PREAMBLE, ESPECIALLY, SUPPORTS IG CRITICISMS OF

DOCUMENT, WITH WHICH WE AGREE, THAT IT CONTAINS SOME POOR DRAFTING, OVER-EMPHASIZES THE PROBLEM OF RACIAL DISCRIMINATION IN AFRICA AND IS UNNECESSARILY DOGMATIC IN ITS TREATMENT OF QUESTIONS SUBJECT TO SCIENTIFIC RESEARCH. WE FIND IT PARTICULARLY INDEFENSIBLE THAT THE PREAMBLE OMITTS ANY REFERENCE TO THE CRIME OF GENOCIDE, WHICH SURELY HAS BEEN HISTORY'S (AND PARTICULARLY THIS CENTURY'S) MOST APPALLING RACIST MANIFESTATION. IT IS SUGGESTED THAT A NEW PREAMBULAR PARAGRAPH BE INSERTED BEFORE THE PARAGRAPH BEGINNING, "RECALLING THE INTERNATIONAL INSTRUMENTS ALREADY ADOPTED BY UNESCO..." ALONG LIMITED OFFICIAL USE  
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THE FOLLOWING LINES, "RECALLING THE FUNDAMENTAL PROVISIONS OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE..."

5. PREAMBULAR PARAGRAPH BEGINNING "MINDFUL" IS IMPRECISE, LOOSELY WORDED AND CONTAINS ARGUABLE POLITICAL THEORY. WE WOULD PREFER TO DELETE THE PHRASE " THE CHANGES...AND CREATING," ALTHOUGH WE COULD ACCEPT IT, AND THIS WOULD OBVIOUSLY BE POLITIC.

6. PARA 7 OF PREAMBLE: CHARACTERIZATION OF APARTHEID AS "THE MOST REVOLTING OF RACIALIST CRIMES" IS QUESTIONABLE, IGNORING AS IT DOES THE CRIME OF GENOCIDE. WE COULD ACCEPT DELETION OF ENTIRE PARA OR WE COULD ACCEPT RETENTION OF THE PHRASE "DEFINING THE MOST REVOLTING OF RACIALIST CRIMES" WITH A REVISION TO MAKE IT READ "ONE OF THE MOST REVOLTING OF RACIALIST CRIMES..."

7. PARA 9 OF PREAMBLE: IG HAS SUGGESTED DELETION OF THE WORD "COLONIALISM" AND MODIFICATION OF PHRASE "TO AFFLICT THE WORLD" TO READ "TO AFFLICT CERTAIN PARTS OF THE WORLD..." THE REFERENCE TO COLONIALISM IS UNNECESSARY IN A DRAFT DECLARATION ON RACE. HOWEVER, RESTRICTION OF THE PHRASE TO "CERTAIN PARTS OF THE WORLD" SEEMS NEITHER ACCURATE NOR DESIRABLE.

8. PARA 10 OF PREAMBLE: AGREE WITH IG PROPOSAL TO  
REPLACE "THREAT" WITH "DANGER."

9. PARA 11 OF PREAMBLE: THE IG HAS SUGGESTED THAT THIS  
PARA BE CHANGED TO READ "RECALLING (OR REAFFIRMING) THE  
OUTCOME OF THE WORLD CONFERENCE FOR ACTION AGAINST  
APARTHEID, WHICH WAS HELD IN LAGOS, AUGUST 22 TO 26, 1977,"

ON THE GROUND THAT THE DECADE IS LIMITED IN DURATION  
WHILE THIS DECLARATION WILL BE OF CONTINUING FORCE.  
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IN VIEW OUR GENERAL POSITION OF NON-PARTICIPATION IN DECADE  
ACTIVITIES, THIS CHANGE WOULD BE HELPFUL.

10. ARTICLE 1 (1): WE DO NOT OBJECT TO PRESENT WORDING  
BUT FORMULATION SUGGESTED BY IG, "ALL HUMAN BEINGS ARE  
EQUAL IN RIGHTS AND IN DIGNITY, WHATEVER THEIR GENETIC  
PATRIMONY", IS A MORE RELEVANT STATEMENT FOR THE  
PURPOSES OF THIS DECLARATION.

11. ARTICLE 1 (2): THE IG PROPOSAL FOR REWORDING THE  
FIRST SENTENCE WOULD DELETE THE EXPLICIT REFERENCE TO  
THE RIGHT OF INDIVIDUALS TO LIVE DIFFERENTLY, A CONCEPT  
WHICH SEEMS WORTH RETAINING, EVEN THOUGH IT MAY BE  
REDUNDANT. IN SECOND SENTENCE, "SIMPLY THE MOST ACUTE  
FORM OF RACIALISM" SHOULD BE CHANGED TO READ "SIMPLY  
ONE OF THE MOST ACUTE FORMS OF RACIALISM."

12. OMISSION OF A REFERENCE TO THE CRIME OF GENOCIDE IN  
THE OPERATIVE PORTION OF THE DECLARATION SHOULD BE  
REMEDIED. MOST APPROPRIATE PLACE MIGHT BE NEW  
ARTICLE 1 (3), ALONG FOLLOWING LINES: "ALL STATES CONDEMN  
GENOCIDE, WHETHER COMMITTED IN TIME OF PEACE OR IN TIME  
OF WAR, AND REAFFIRM THAT IT IS A CRIME UNDER INTER-  
NATIONAL LAW WHICH THEY UNDERTAKE TO PREVENT AND TO  
PUNISH."

13. NEW ARTICLE 1 (4) (OLD ARTICLE 1 (3)): THE SWED-  
ISH FORMULATION OF THE FIRST SENTENCE OF THIS PARA-  
GRAPH, "ALL THE PEOPLES (ETC.)," IS ACCEPTABLE, AS IS PRE-  
SENT TEXT OF SECOND SENTENCE. WHILE WE SHARE IG'S  
CONCERN OVER UNNECESSARY DOGMATIC STATEMENTS ABOUT  
SCIENTIFIC THEORIES WHICH ARE AT PRESENT BEING STUDIED,  
THE SWEDISH ALTERNATIVE TEXT WOULD SEEM EASIER TO ATTAIN  
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THAN THE DELETION OF THE ENTIRE PARAGRAPH, AS SUGGESTED

BY IG.

14. ARTICLE 1, NEW PARAGRAPH: WE SUPPORT IG SUGGESTION "THERE IS NO CORRESPONDENCE....") BUT BELIEVE IT WOULD BE IMPROVED IF WORD "RACES" REPLACED "HUMAN BEINGS."

15. ARTICLE 2: THE PHRASE "A PARTICULAR HUMAN GROUP" SHOULD READ "A PARTICULAR RACIAL OR ETHNIC GROUP". THE WORD "HUMAN" IS TOO BROAD IN THE CONTEXT OF THIS DECLARATION. THE IG SUGGESTION TO REPLACE PARA 1, "IS FALSE...PRINCIPLES" WITH "IS CONTRARY TO MORAL AND

ETHICAL PRINCIPLES" AND TO CHANGE THE LAST LINE OF PARA (2), BEGINNING "AGGRAVATES INTERNATIONAL...", TO "PRESENTS OBSTACLES... WORLD PEACE" IS ACCEPTABLE. THE PHRASE "THREAT TO INTERNATIONAL PEACE", IN PARA (2), HAS EXTREME SIGNIFICANCE IN THE CONTEXT OF SECURITY COUNCIL DECISIONS, AND WE WOULD BE HARD PRESSED TO JUSTIFY SUPPORT FOR IT IN THIS DOCUMENT BUT NOT IN THE SECURITY COUNCIL. WE SHOULD AVOID THE PRECEDENT OF THE UN AGENCIES PRESUMING TO TELL THE SECURITY COUNCIL WHAT CONSTITUTES A THREAT TO INTERNATIONAL PEACE. THE FIRST CLAUSE, "RACIALISM, WHICH IS BASED ON THE FALLACIOUS NOTIONS...", COULD BE IMPROVED. THE WORD "RACIALISM" MEANS A DOCTRINE OR TEACHING THAT ASSERTS THE SUPERIORITY OF ONE RACE OVER ANOTHER OR OTHERS. IN LIGHT OF ARTICLES 1 AND 2 (1), THE STATEMENT THAT "RACIAL PREJUDICE..IS TOTALLY UNFOUNDED" SEEMS UNNECESARY.

16. ARTICLE 3: WE DO NOT UNDERSTAND IG RECOMMENDATION TO DELETE "AND PERSONAL FULFILLMENT". INSTEAD, THE LAST SENTENCE SHOULD REFER TO "EQUAL ACCESS TO MEANS OF PERSONAL AND COLLECTIVE ADVANCEMENT AND FULFILLMENT." LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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17. ARTICLE 4: THE SECOND AND THIRD SENTENCES SHOULD BE REWRITTEN AS FOLLOWS: "APARTHEID, AS PRACTICED IN SOUTHERN AFRICA, AND SIMILAR POLICIES AND PRACTICES OF SEGREGATION AND RACIAL DISCRIMINATION IN OTHER PARTS OF THE WORD ARE MORALLY REPREHENSIBLE AND, IN CERTAIN CASES, CAN ENDANGER INTERNATIONAL PEACE AND SECURITY." THE U. S. HAS NOT JOINED IN THE CHARACTERIZATION OF APARTHEID AS A CRIME AGAINST HUMANITY BECAUSE OF THE LACK OF MECHANISMS TO DETERMINE GUILT AND TO PROTECT THE ACCUSED. 'SEGREGATION AND RACIAL DISCRIMINATION" HAVE BEEN SO BROADLY DEFINED IN INTERNATIONAL INSTRUMENTS THAT THEY ENCOMPASS ACTIVITIES PROTECTED BY OUR CONSTITUTION. THIS PROVIDES AN ADDITIONAL JUSTIFICATION FOR OUR REFUSAL TO CHARACTERIZE THEM AS CRIMES. FINALLY, FOR REASONS INDICATED IN THE DISCUSSION OF ARTICLE 2 (3), WE CANNOT

ACCEPT THE PHRASE "THREAT TO INTERNATIONAL PEACE".

18. ARTICLE 5 (1) AND (2): THE IG PROPOSAL FOR (1) IS PREFERABLE TO THE PRESENT TEXT. RE (2), THE FEDERAL GOVERNMENT HAS A LIMITED ROLE IN EDUCATION, PARTICULARLY IN SUCH QUESTIONS AS CURRICULA AND TEXTBOOKS. THE U. S. COULD SUPPORT THE PARAGRAPH IF IT BEGAN "GOVERNMENTS, CONSISTENT WITH THEIR CONSTITUTIONAL PROCESSES AND PRINCIPLES, SHOULD SEE THAT..." THE FOLLOWING SENTENCE COULD ALSO BE ADDED, "GOVERNMENTS SHOULD DO ALL POSSIBLE TO ENCOURAGE ALL COMPETENT AUTHORITIES, INCLUDING THE

TEACHING PROFESSION, TO DO LIKEWISE." FURTHER, AT THE END OF THE PHRASE, "BY MAKING THE RESOURCES...OR DISCRIMINATION," THE WORDS "ON THE BASIS OF RACE" SHOULD BE ADDED.

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19. ARTICLE 5 (3): IDEALLY, THIS PARAGRAPH SHOULD BE DELETED. THE ROLE OF THE MASS MEDIA IN COMBATING RACE HAS BEEN THE SUBJECT OF SENSITIVE NEGOTIATIONS IN OTHER UNESCO FORA AND WILL SOON BE THE SUBJECT OF AN INTERGOVERNMENTAL MEETING. STATES SHOULD NOT ATTEMPT TO PREJUDGE OR PREJUDICE THE OUTCOME OF THAT EXERCISE BY DEALING WITH THE ISSUE NOW. IF SOME LANGUAGE IS NEEDED, THE UNITED STATES COULD ACCEPT "IN EXERCISE OF THE RIGHT OF FREEDOM OF INFORMATION, THE MASS MEDIA AND THOSE WHO SERVE THEM HAVE A SPECIAL OPPORTUNITY TO PROMOTE UNDERSTANDING, TOLERANCE, AND FRIENDSHIP AMONG INDIVIDUALS AND GROUPS AND THE ERADICATION OF RACIALISM, DISCRIMINATION AND RACIAL PREJUDICE, IN PARTICULAR..." IN THE SECOND SENTENCE, "MUST" NEEDS TO BE REPLACED WITH "SHOULD". THE PROPOSAL OF THE IG IS NOT SUFFICIENT TO MEET OUR CONCERNS.

20. ARTICLE 6: THE PARA SHOULD BE REWRITTEN AS FOLLOWS:  
"EVERY STATE HAS THE RESPONSIBILITY... ALL GROUPS.  
CONSISTENT WITH ITS CONSTITUTIONAL PROCESSES AND  
PRINCIPLES, EVERY STATE...HUMAN RIGHTS."

21. ARTICLE 7: THIS PARAGRAPH IS CONSONANT WITH U.S. CONSTITUTIONAL PRINCIPLES IN ITS PROVISIONS THAT THE LAW IS ONE OF THE PRINCIPAL MEANS OF ENSURING EQUALITY AMONG INDIVIDUALS. BUT, UNDER THE CONSTITUTION, THE LAW MAY NOT, GENERALLY SPEAKING, CURB PROPAGANDA OR RACIST ORGANIZATIONS, EXCEPT INsofar AS THEY HAVE A SUBSTANTIAL POSSIBILITY OF PROVOKING IMMINENT VIOLENCE. THE MERE DELETION OF THE THIRD SENTENCE OF THIS ARTICLE WOULD NOT BE SUFFICIENT TO ATTRACT U. S. SUPPORT. ON THE OTHER HAND, DELETION OF THE ENTIRE ARTICLE, SUGGESTED BY THE IG, MIGHT BE UNATTAINABLE. ONE SOLUTION MIGHT BE TO

RESTRICT THE SCOPE OF THIS ARTICLE TO GOVERNMENT BEHAVIOR,  
LEAVING THE QUESTION OF INDIVIDUAL ACTIONS TO ARTICLE  
8 (1), AS BELOW. IF THIS APPROACH WERE TAKEN, ARTICLE 7  
MIGHT READ, "STATES SHOULD ADOPT LEGISLATION TO ENSURE  
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THAT NO GOVERNMENTAL INSTRUMENTALITY PARTICIPATES IN ANY  
PROPAGANDA, ANY FORM OF ORGANIZATION OR ANY PRACTICE  
WHICH IS BASED ON IDEAS OR THEORIES POSTULATING THE  
SUPERIORITY OF ONE RACE OR GROUP OF PERSONS OF A PAR-  
TICULAR COLOR OR ETHNIC ORIGIN, OR WHICH SEEKS TO JUSTIFY  
OR ENCOURAGE RACIAL HATRED AND DISCRIMINATION IN ANY  
FORM."

22. ARTICLE 8 (1): THE FIRST SENTENCE IS ACCEPTABLE.  
THE SECOND SENTENCE SUGGESTS THAT INDIVIDUALS HAVE AN  
OBLIGATION NOT TO HOLD CERTAIN OPINIONS, TO BELONG TO  
CERTAIN ORGANIZATIONS, OR TO ADVOCATE RACIAL PREJUDICES,  
AND SHOULD BE REWRITTEN AS FOLLOWS: "THEY ACCORDINGLY  
HAVE A MORAL OBLIGATION...TO ASSIST IN ERADICATING...  
FORMS."

23. ARTICLE 8 (2): AS WRITTEN, THIS PROVISION MAKES  
LITTLE SENSE. IT APPEARS TO SAY THAT ALL ACADEMICS IN  
EVERY FIELD ARE OBLIGATED TO CARRY OUT THIS KIND OF  
RESEARCH AND TO REQUIRE THAT THE RESEARCH BE "PLANNED ON  
THE BROADEST POSSIBLE INTERDISCIPLINARY BASIS," EVEN  
THOUGH MANY SCIENTISTS DO NOT ENJOY INTERDISCIPLINARY WORK  
AND CAN MAKE THEIR BEST CONTRIBUTIONS IN THEIR OWN FIELDS.  
LAST SENTENCE IS ALSO UNACCEPTABLE AS IT STANDS. WE  
PROPOSE THAT ENTIRE PARA BE REWRITTEN, AS FOLLOWS: "ANY  
RESEARCH INTO RACIAL PREJUDICE AND RACIALIST ATTITUDES  
AND PRACTICES SHOULD BE STRICTLY OBJECTIVE AND ANY MIS-  
REPRESENTATION OF THIS WORK SHOULD BE EXPOSED."

24. ARTICLE 9 (1): AS SUGGESTED BY THE IG, THE FIRST  
SENTENCE SHOULD READ "THE EQUALITY OF HUMAN RIGHTS IN  
DIGNITY AND RIGHTS" RATHER THAN "THE EQUALITY OF HUMAN  
BEINGS". THE SECOND SENTENCE IS UNACCEPTABLE BECAUSE THE  
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CONCEPT OF RACIAL DISCRIMINATION HAS BEEN SO BROADLY  
DEFINED IN VARIOUS INTERNATIONAL INSTRUMENTS THAT IT  
WOULD INCLUDE CERTAIN CONSTITUTIONALLY PROTECTED BEHAVIOR.  
THE IG PROPOSED SUBSTITUTE FOR THE SECOND LINE OF  
ARTICLE 9 (1) IS GARBLED IN ENGLISH AND SLIGHTLY  
AMBIGUOUS IN FRENCH. WE COULD SUPPORT PROPOSED SUBSTITU-  
TION IF IT READ "CONSEQUENTLY, RACIAL DISCRIMINATION IS

CONDEMNED, CONFORMING TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION, AND THE VIOLATION BY A STATE OF ITS OBLIGATIONS UNDER THIS CONVENTION ENGAGES ITS INTERNATIONAL RESPONSIBILITY..." FYI: ALTHOUGH THE U. S. CAN SUPPORT THIS LANGUAGE, IT WOULD NOT SEEM APPROPRIATE FOR THE U.S. TO TAKE LEAD IN THIS, AS WE HAVE NOT YET ADHERED TO THE CONVENTION. THE ADMINISTRATION WILL SEND THE CONVENTION TO THE SENATE VERY SOON, WITH THE RECOMMENDATION THAT IT GIVE ITS "ADVICE AND CONSENT".END FYI..

25. ARTICLE 9 (2): FIRST SENTENCE SHOULD BEGIN WITH, "CONSISTENT WITH THEIR CONSTITUTIONAL PROCESSES AND PRINCIPLES, STATES SHOULD TAKE SPECIAL MEASURES TO..." THERE ARE MANY OTHER SERIOUSLY DEPRIVED "SOCIALLY EXCLUDED GROUPS" THAT MIGHT BE WORTHY OF SPECIAL CITATION IN THIS VERY GENERAL PROVISION. IN ORDER TO

ACHIEVE BALANCE, THEREFORE, PHRASE "INCLUDING MIGRANT WORKERS AND THEIR FAMILIES" SHOULD EITHER BE DELETED OR ENUMERATION EXPANDED TO INCLUDE OTHER GROUPS.

26. ARTICLE 10: THE IG SUGGESTED THAT ARTICLE 10 BE AMENDED TO EXCLUDE ANY REFERENCE TO COMPULSION TO REBELLION AND SUBSTITUTE "... (BORN IN EQUALITY, IN DIGNITY AND RIGHTS,) MAY BE LIBERATED FROM THE PLAGUE OF RACISM, RACIAL SEGREGATION, AND OF APARTHEID AND GENOCIDE." HOWEVER, THE PRESENT FORMULATION CLOSELY TRACKS THE LANGUAGE IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. CLEARLY, THE CONTEXT OF THE UNIVERSAL DECLARATION WAS FAR BROADER THAN THAT OF THE UNESCO DRAFT DECLARATION. HAVING AGREED TO THAT LANGUAGE BEFORE, WE WOULD FIND IT AWKWARD TO OBJECT NOW, EVEN IF THE OFFENDER IS RACIAL DISCRIMINATION RATHER THAN THE MORE GENERAL "TYRANNY AND OPPRESSION." WE DO NOT BELIEVE THAT THE WORDING IS TANTAMOUNT TO UN ENCOURAGEMENT OR ADVOCACY OF THE USE OF FORCE TO SOLVE POLITICAL PROBLEMS. FINALLY, TO AVOID THE APPEARANCE OF ORDERING THE UN AND OTHER INTERNATIONAL ORGANIZATIONS, THE WORD "MUST" SHOULD READ "SHOULD". VANCE

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RIGHTS. CLEARLY, THE CONTEXT OF THE UNIVERSAL DECLARATION WAS FAR BROADER THAN THAT OF THE UNESCO DRAFT DECLARATION. HAVING AGREED TO THAT LANGUAGE BEFORE, WE WOULD FIND IT AWKWARD TO OBJECT NOW, EVEN IF THE OFFENDER IS RACIAL DISCRIMINATION RATHER THAN THE MORE GENERAL "TYRANNY AND OPPRESSION." WE DO NOT BELIEVE THAT THE WORDING IS TANTAMOUNT TO UN ENCOURAGEMENT OR ADVOCACY OF THE USE OF FORCE TO SOLVE POLITICAL PROBLEMS. FINALLY, TO AVOID THE APPEARANCE OF ORDERING THE UN AND OTHER INTERNATIONAL ORGANIZATIONS, THE WORD "MUST" SHOULD READ "SHOULD". VANCE

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